



Senate

General Assembly

File No. 52

February Session, 2006

Senate Bill No. 288

Senate, March 21, 2006

The Committee on Environment reported through SEN. FINCH of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING LEASE AGREEMENTS FOR THE GENERATION OF HYDROELECTRICITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 22a-6 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2006*):

4 (a) The commissioner may: (1) Adopt, amend or repeal, in
5 accordance with the provisions of chapter 54, such environmental
6 standards, criteria and regulations, and such procedural regulations as
7 are necessary and proper to carry out his functions, powers and duties;
8 (2) enter into contracts with any person, firm, corporation or
9 association to do all things necessary or convenient to carry out the
10 functions, powers and duties of the department; (3) initiate and receive
11 complaints as to any actual or suspected violation of any statute,
12 regulation, permit or order administered, adopted or issued by him.
13 The commissioner shall have the power to hold hearings, administer
14 oaths, take testimony and subpoena witnesses and evidence, enter

15 orders and institute legal proceedings including, but not limited to,
16 suits for injunctions, for the enforcement of any statute, regulation,
17 order or permit administered, adopted or issued by him; (4) in
18 accordance with regulations adopted by him, require, issue, renew,
19 revoke, modify or deny permits, under such conditions as he may
20 prescribe, governing all sources of pollution in Connecticut within his
21 jurisdiction; (5) in accordance with constitutional limitations, enter at
22 all reasonable times, without liability, upon any public or private
23 property, except a private residence, for the purpose of inspection and
24 investigation to ascertain possible violations of any statute, regulation,
25 order or permit administered, adopted or issued by him and the
26 owner, managing agent or occupant of any such property shall permit
27 such entry, and no action for trespass shall lie against the
28 commissioner for such entry, or he may apply to any court having
29 criminal jurisdiction for a warrant to inspect such premises to
30 determine compliance with any statute, regulation, order or permit
31 administered, adopted or enforced by him, provided any information
32 relating to secret processes or methods of manufacture or production
33 ascertained by the commissioner during, or as a result of, any
34 inspection, investigation, hearing or otherwise shall be kept
35 confidential and shall not be disclosed except that, notwithstanding the
36 provisions of subdivision (5) of subsection (b) of section 1-210, as
37 amended, such information may be disclosed by the commissioner to
38 the United States Environmental Protection Agency pursuant to the
39 federal Freedom of Information Act of 1976, (5 USC 552) and
40 regulations adopted thereunder or, if such information is submitted
41 after June 4, 1986, to any person pursuant to the federal Clean Water
42 Act (33 USC 1251 et seq.); (6) undertake any studies, inquiries, surveys
43 or analyses he may deem relevant, through the personnel of the
44 department or in cooperation with any public or private agency, to
45 accomplish the functions, powers and duties of the commissioner; (7)
46 require the posting of sufficient performance bond or other security to
47 assure compliance with any permit or order; (8) provide by notice
48 printed on any form that any false statement made thereon or
49 pursuant thereto is punishable as a criminal offense under section 53a-

50 157b; (9) construct or repair or contract for the construction or repair of
51 any dam or flood and erosion control system under his control and
52 management, make or contract for the making of any alteration, repair
53 or addition to any other real asset under his control and management,
54 including rented or leased premises, involving an expenditure of five
55 hundred thousand dollars or less, and, with prior approval of the
56 Commissioner of Public Works, make or contract for the making of
57 any alteration, repair or addition to such other real asset under his
58 control and management involving an expenditure of more than five
59 hundred thousand dollars but not more than one million dollars; (10)
60 enter into a lease agreement with a private entity to allow the private
61 entity to generate hydroelectricity; (11) by regulations adopted in
62 accordance with the provisions of chapter 54, require the payment of a
63 fee sufficient to cover the reasonable cost of the search, duplication and
64 review of records requested under the Freedom of Information Act, as
65 defined in section 1-200, and the reasonable cost of reviewing and
66 acting upon an application for and monitoring compliance with the
67 terms and conditions of any state or federal permit, license,
68 registration, order, certificate or approval required pursuant to
69 subsection (i) of section 22a-39, subsections (c) and (d) of section 22a-
70 96, subsections (h), (i) and (k) of section 22a-424, and sections 22a-6d,
71 22a-32, 22a-134a, 22a-134e, as amended, 22a-135, as amended, 22a-148,
72 22a-150, 22a-174, 22a-208, 22a-208a, 22a-209, 22a-342, 22a-345, 22a-354i,
73 22a-361, 22a-363c, 22a-368, 22a-372, 22a-379, 22a-403, 22a-409, 22a-416,
74 22a-428 to 22a-432, inclusive, 22a-449, as amended, and 22a-454 to 22a-
75 454c, inclusive, and Section 401 of the federal Clean Water Act, (33
76 USC 1341). Such costs may include, but are not limited to the costs of
77 (A) public notice, (B) reviews, inspections and testing incidental to the
78 issuance of and monitoring of compliance with such permits, licenses,
79 orders, certificates and approvals, and (C) surveying and staking
80 boundary lines. The applicant shall pay the fee established in
81 accordance with the provisions of this section prior to the final
82 decision of the commissioner on the application. The commissioner
83 may postpone review of an application until receipt of the payment.
84 Payment of a fee for monitoring compliance with the terms or

85 conditions of a permit shall be at such time as the commissioner deems
86 necessary and is required for an approval to remain valid; and [(11)]
87 (12) by regulations adopted in accordance with the provisions of
88 chapter 54, require the payment of a fee sufficient to cover the
89 reasonable cost of responding to requests for information concerning
90 the status of real estate with regard to compliance with environmental
91 statutes, regulations, permits or orders. Such fee shall be paid by the
92 person requesting such information at the time of the request. Funds
93 not exceeding two hundred thousand dollars received by the
94 commissioner pursuant to subsection (g) of section 22a-174, during the
95 fiscal year ending June 30, 1985, shall be deposited in the General Fund
96 and credited to the appropriations of the Department of
97 Environmental Protection in accordance with the provisions of section
98 4-86, and such funds shall not lapse until June 30, 1986. In any action
99 brought against any employee of the department acting within his
100 scope of delegated authority in performing any of the above-listed
101 duties, the employee shall be represented by the Attorney General.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2006	22a-6(a)
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ENV *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: See Below

Municipal Impact: None

Explanation

Any potential increase in the administrative workload of the Department of Environmental Protection (DEP) incurred from entering into a lease agreement with a private entity for hydroelectricity is anticipated to be minimal and handled within existing agency resources. Any potential revenue gain to the state would depend upon the parameters of the lease agreement and is anticipated to be minimal.

The Out Years

The annualized ongoing potential fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis
SB 288

***AN ACT CONCERNING LEASE AGREEMENTS FOR THE
GENERATION OF HYDROELECTRICITY.***

SUMMARY:

This bill authorizes the environmental protection commissioner to enter into a lease agreement with a private entity for hydroelectricity.

EFFECTIVE DATE: October 1, 2006

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 25 Nay 0 (03/08/2006)